

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

JAMES LEE HERBERT,

Plaintiff,

v.

Case Number 09-14036-BC
Honorable Thomas L. Ludington

COMMISSIONER OF
SOCIAL SECURITY,

Defendant.

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**ORDER ADOPTING JUDGE BINDER'S REPORT AND RECOMMENDATION,
GRANTING COMMISSIONER'S MOTION TO REMAND, AND REMANDING CASE
TO THE COMMISSIONER FOR FURTHER PROCEEDINGS**

Magistrate Judge Charles E. Binder issued a report and recommendation [Dkt. # 11] on April 12, 2010, recommending that the Court grant the Commissioner of Social Security's motion for remand [Dkt. # 10], and remand the case for further proceedings. Any party may serve and file written objections to a report and recommendation "[w]ithin fourteen days after being served with a copy" of the report. 28 U.S.C. § 636(b)(1). The district court will make a "de novo determination of those portions of the report . . . to which objection is made." *Id.* Where, as here, neither party objects to the report and recommendation the Court is not obligated to independently review the record. *Thomas v. Arn*, 474 U.S. 140, 149–52 (1985).

Accordingly, it is **ORDERED** that Judge Binder's report and recommendation [Dkt. # 11] is **ADOPTED**.

It is further **ORDERED** that the Commissioner's motion to remand [Dkt. # 10] is **GRANTED** and the case is **REMANDED** to the Commissioner for further proceedings. 42 U.S.C. § 405(g).

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge

Dated: October 28, 2010

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on October 28, 2010.

s/Tracy A. Jacobs
TRACY A. JACOBS